

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LORENZO COMMONS LLC,  
  
Plaintiff,  
  
v.  
  
ROBERT EBERWEIN,  
  
Defendant.

Case No. [16-cv-04588-EMC](#)

**ORDER DENYING DEFENDANT'S  
MOTION FOR LEAVE TO APPEAL IN  
FORMA PAUPERIS**

Docket No. 10

Plaintiff Lorenzo Commons LLC initiated this unlawful detainer action in state court. Defendant Robert Eberwein subsequently removed the case to federal court. This Court granted Mr. Eberwein's motion for leave to proceed in forma pauperis, but remanded to state court for lack of subject matter jurisdiction. *See* Docket. No. 6. Now pending before the Court is Mr. Eberwein's motion for leave to appeal in forma pauperis. "A party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis without further authorization, unless: . . . the district court . . . certifies that the appeal is not taken in good faith . . . or . . . a statute provides otherwise." Fed. R. App. P. 24(a)(3). Here, Mr. Eberwein's appeal of this Court's remand order is barred by statute. *See* 28 U.S.C. 1447(d) ("An order remanding a case to the State court from which it was removed is not reviewable on appeal or

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otherwise.”). Moreover, even if Mr. Eberwein could appeal, this Court would conclude that his appeal was not taken in good faith because Mr. Eberwein has never asserted any basis for federal jurisdiction. Accordingly, the Court hereby **DENIES** the motion.

This order disposes of Docket No. 10.

**IT IS SO ORDERED.**

Dated: August 30, 2016

  
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EDWARD M. CHEN  
United States District Judge